



S/N 09/730,538

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kerry Clendinning et al.

Examiner: Samuel G. Rimell

Serial No.: 09/730,538

Group Art Unit: 2164

Filed: December 7, 2000

Docket No.: 2043.061US1

Title: SYSTEM AND METHOD FOR COLLECTING, ASSOCIATING,
NORMALIZING AND PRESENTING PRODUCT AND VENDOR
INFORMATION ON A DISTRIBUTED NETWORK

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Applicants request review of the final rejection in the above-identified application mailed on February 28, 2007. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated below:

§102 Rejection of the Claims

Claims 1-19, 21, 23-24 and 26 were rejected under 35 U.S.C. § 102(b) for anticipation by Perkowski (U.S. 5,950,173). Applicants respectfully submit that claims 1-19, 21, 23-24 and 26 should not be rejected under 35 U.S.C. § 102(b) for the reason that Perkowski does not disclose each and every limitation of the claim 10, as amended, of their present application.

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Claim 10 includes the following limitations:

gathering product information from diverse external sources;

...the gathered product information including a first attribute-value pair that includes a first attribute and a first value; ...

....translating the first attribute to a second attribute responsive to identifying the first attribute in a list that includes a plurality of attributes that are associated with the second attribute, the second attribute being a canonical representation of the plurality of attributes respectively.

The Final Office Action highlights Col. 24, line 57 – Col. 25, line 54 in Perkowski, "Registering Consumer Products With The IPI Finding and Serving Subsystem." The identified quote from Perkowski describes the registration of products in an Internet Product-Information

(IPI) (Col. 6, line 4) subsystem. Specifically, the above quote from Perkowski describes four database construction techniques that may be used to register products in an IPI registrant database (Figure 4A1).

According to the first database construction technique, the administrator of the IPI Registrant Database sends a Product Registration Request to a manufacturer. In response, the manufacturer sends back a list of products. Each product in the list is identified by a Universal Product Number (UPC) (Abstract) and a list of URLs that are used to construct the IPI Registrant Database.

According to the second database construction technique, the administrator of the IPI Registrant Database presumably uses an advertisement campaign to solicit information elements in the IPI Registrant Database “and thus register the products of the manufacturers selling UPC-labeled products” (col. 25, line 25).

According to a third database construction technique, the IPI System solicits product registrations from companies.

According to a fourth database construction technique, an on-line Internet search engine (e.g., Yahoo™) analyzes information on the World Wide Web in order to collect and link information in the IPI Registrant Database (Figure 4A1).

Claim 10 requires gathering product information including a first attribute-value pair that includes a first attribute and translating the first attribute to a second attribute responsive to identifying the first attribute in a list that includes a plurality of attributes that are associated with the second attribute, the second attribute being a canonical representation of the plurality of attributes respectively. For example, in one example use scenario, product information that is gathered may include a first attribute-value pair, “screen_size = xga.” Continuing with the example, the attribute “screen_size” may be translated to a second attribute, “display_res,” responsive to identifying “screen_size” in a list that includes multiple attributes (e.g., “screen_size,” “Screen Size,” “display res,” etc.), the second attribute, “display res” being a canonical representation of the respective multiple attributes (e.g., “screen_size,” “Screen Size,” “display res,” etc.) (Application, pages 14 - 16).

The above quote from Perkowski describes subject matter that fails to anticipate the elements of the limitations of the claim 10 for the following reasons.

First, the above quote from Perkowski fails to describe gathering an attribute-value pair. For example, the first quote from Perkowski describes receiving a list that includes a product that is identified by a Universal Product Number (UPC). Receiving a list of UPCs is not gathering an attribute-value pair. The second quote describes the solicitation of information elements in the IPI Registrant Database. Information elements in the IPI Registrant Database are not attribute-value pair(s), as described below. The third quote describes the solicitation of product registrations without providing any description of the product registrations provided in response to the solicitation and before such product registrations are stored in the table 4A1. Finally, the fourth quote describes the collection of information in the IPI registrant database without providing any description of the information collected before such information is stored in the table 4A1. To the point, a product registration or information that is stored in a table provides insufficient information about the product registration or information as it is communicated and before it is stored in a table. Indeed, communication of the UPC as disclosed by Perkowski may obviate the gathering of attribute-value pairs, as required by the claim 10, because the UPC may implicitly define the attributes of the product identified by the UPC.

Second, the above quote from Perkowski cannot possibly describe a translation of an attribute, much less the translation of an attribute to a canonical representation of the attribute because, as noted above, Perkowski fails to describe an attribute-value pair and the attribute-value pair, as required by the claim 10, includes the attribute that is to be translated.

The Final Office Action states the following:

For products that are already in the database, col. 25, lines 47-54 describe a procedure where product information, such as the URL, can be updated. FIG. 4A2 illustrates a column (third from left) where the updated URL information is held. A second column (first from left) has the original URL. Accordingly, FIG. 4A2 establishes a representation of data (a table) that includes new attribute information (updated URL) related to an alias (original URL). This relationship between the updated URL and original URL can be defined as an attribute value paring. The registrant's name can be a second attribute. The second attribute is a canonical representation of the other attributes in the sense that it is an alternative representation associated with the other attributes and is made in accordance with a canon (a relation, such as a relational table).

Final Office Action, Page 6.

Applicants submit that the above quote from the Final Office Action fails to appreciate the meaning of the term "attribute" in the context of a table as described by the application and

as understood by those having ordinary skill in the art of databases. The present application provides the following example:

In an implementation of a relational database, a relation corresponds to a table having rows, where each row corresponds to a tuple, and columns, where each column corresponds to an attribute. From a practical standpoint, rows represent records of related data and columns identify 10 individual data elements. A table defining a retailer's product line may, for example, have product names, product numbers (e.g., Stock Keeping Units or SKUs), prices and other product features. Each row of this table holds data for a single product and each column holds a single 15 attribute, such as a product name.

Application, Page 4, lines 5-35

The Wikipedia webpage for “database” states the following:

The products that are generally referred to as relational databases in fact implement a model that is only an approximation to the mathematical model defined by Codd. Three key terms are used extensively in relational database models: *relations*, *attributes*, and *domains*. A relation is a table with columns and rows. The named columns of the relation are called attributes, and the domain is the set of values the attributes are allowed to take.

Wikipedia, <http://en.wikipedia.org/wiki/Database> (April 6, 2007).

According to the above quote from the application and according to the Wikipedia entry for “database”, the “updated URL” in the table illustrated in Figure 4A1 is not an attribute. Moreover, if the “updated URL” is not an attribute, then relationship between the “updated URL” and the original URL cannot possibly be an “attribute->value” pairing. Most importantly and as previously stated, information that is stored in a table is insufficient to describe the information as it is communicated and before it is stored in the table. Indeed, communication of a UPC, as disclosed by Perkowski, may obviate the gathering of attribute-value pairs, as required by the claim 10, because the UPC may implicitly define the attributes of a product identified by the UPC.

The Final Office Action also states that the independent claims do not elaborate on the nature of the translation. Applicants respectfully disagree. Claim 10 requires:

....translating the first attribute to a second attribute responsive to identifying the first attribute in a list that includes a plurality of attributes that are associated with the second attribute, the second attribute being a canonical representation of the plurality of attributes respectively.

Accordingly, claim 10 requires two attributes, a first attribute and a second attribute. Claim 10 further requires the second attribute to be a canonical representation of a list of

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attributes that includes the first attribute. Finally, claim 10 requires the translation of the first attribute to the second attribute responsive to the first attribute being identified in the list of attributes. Applicants submit that the independent claims go beyond an elaboration on the nature of the translation and explicitly recite the elements and method of the translation.

In summary Perkowski cannot anticipate the above quoted limitations because Perkowski fails to describe an attribute-value pair and claim 10 requires the gathering of an attribute value pair that includes a first attribute and the translating of the first attribute to a second attribute responsive to identifying the first attribute in a list that includes multiple attributes.

In summary, Perkowski does not disclose each and every limitation of claim 10, as required to support a rejection of this claim under 35 U.S.C. § 102(e). The above remarks are also applicable to a consideration of independent claims 1, 12, 23, 24, and 26.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 25 day of May 2007.

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